

REMARKS

The Applicant has filed the present Response in reply to the outstanding Official Action of June 17, 2004, and the Applicant believes the Response to be fully responsive to the Official Action for reasons set forth below in greater detail.

At the onset, Applicant would like to thank the Examiner for indicating that Claims 12-13 have allowable subject matter and would be allowable if rewritten in an independent form including all of the limitations of the base claim and any intervening claims. However, since the Applicant believes that all of the claims are allowable over the cited prior art based upon the following analysis and amendments, Applicant respectfully requests the Examiner to reconsider the present application in light of the present response and amendments.

We would like to note that Claim 11 has been amended herewith. Specifically, Claim 11 has been amended to include a step of switching an operation mode between a drive mode and a normal mode depending on whether the mobile telephone is moving at speeds higher than said predetermined speed, as determined in step (b). No new matter has been added by this amendment. Furthermore, this additional material has support in the specification. For example, at page 13, lines 5-7, and pages 16-18.

The cited prior art reference fails to teach or suggest all of the elements of amended Claim 11. Atarius et al. (United States Patent 6,373,882) solely teaches determining whether a mobile telephone is moving at speeds higher than a predetermined speed. The reference does not suggest or disclose the claimed use of the movement value. In fact, the reference teaches that the estimation of the rate of change or movement rate is used to optimize the duty cycle of the

searcher to reduce the usage power of the receiver. The reference further teaches that the movement value is used to improve the channel tracking.

In stark contrast, the claimed invention compares an estimated value of a mobile telephone's movement to a threshold value to determine if the mobile telephone is moving at a high speed. In response to a determination of high movement, a control means switches an operation mode between a normal mode and a drive mode.

Claim 1 has also been amended herewith. The phrase "mode controller" has been replaced with "control means". The amendment does not add any new matter to the claim and support therefor is contained within the specification. The term "a control means" refers to either the mode controller as described and defined in the summary of the invention and the brief description of the invention or the CPU 13 as defined in the specification. The specification describes a mode controller for switching an operation mode between drive and a normal mode. See, page 3, lines 4-8. See also, page 3, line 22-page 4, line 5 (mode controller receives a first and second interrupt signal which controls the mode of operation).

In addition, the specification and figures describe a CPU 13 as an example of the "control means" as an illustration of an embodiment of the invention. For example, at page 9, the high-speed movement decision section generates an interrupt signal to the micro-processor (CPU) so as to notify it whether the mobile telephone is moving at high speed. Lines 16-22 (analogous to the mode controller receiving a first interrupt signal). The CPU in standby status determines whether an interrupt occurs. See Page 12, lines 5-7. The CPU controls the LCD driver to indicate high speed movement, making the driver aware of the setting. The CPU determines whether an incoming call comes, and in standby mode, the CPU reads a preset voice data from memory and the unit does not ring.

One of ordinary skill in the art would appreciate that the CPU 13 is only an example of a control means and the scope of the claims would cover any and all equivalent structures that functions as a “control means” in the manner in which it is claimed.

In the outstanding Official Action, the Examiner objected to the drawings because the drawings failed to show every feature of the claimed invention. Applicant submits that all of the claim elements, as amended, are depicted by the figures. Specifically, the controller means is depicted in figure 1 as the CPU 13.

Furthermore, the Examiner rejected Claims 1-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that the term “a mode controller” is not described in the specification. Applicant submits that the amended to Claim 1 identified above obviates this rejection. A control means was described in the specification. See page 3, lines 4-8. See also page 3, line 22-page 4, line 5 (mode controller receives a first and second interrupt signal which controls the mode of operation). See also Page 12, lines 5-7.

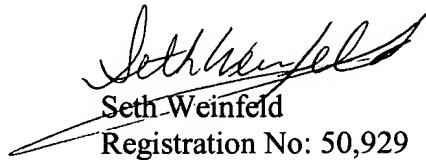
Lastly, Applicant respectfully submits new Claim 14-16 for examination by the Examiner. These claims are method claims that have corresponding subject matter to apparatus Claims 6, 7 and 9. Applicant respectfully submits that these claims are patentably distinct from the cited reference for at least the same reasoning as identified above regarding amended Claim 11.

In the interest of brevity, Applicant has addressed only so much of the rejection(s) as is considered necessary to demonstrate the patentability of the claim(s). Applicant's failure to address any part of the rejection should not be construed as acquiescence in the propriety of such portions not addressed (, including, but not limited to, the existence of facts alleged to be

established by Official Notice). Applicant maintains that the claims are patentable for reasons other than these specifically discussed, supra.

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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